

HOUSE BILL 2939

By Coley

AN ACT to amend Tennessee Code Annotated, Title 39  
and Title 40, relative to commercial sex acts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-301, is amended by adding the following as a new, appropriately designated subdivision:

( ) "Commercial sex act" means any sexual act for which something of value is given or received;

SECTION 2. Tennessee Code Annotated, Section 39-13-309, is amended by deleting the section in its entirety and by substituting instead the following:

39-13-309.

(a) A person commits the offense of trafficking a person for a commercial sex act who:

(1) Knowingly subjects, attempts to subject, benefits from or attempts to benefit from another person's provision of a commercial sex act; or

(2) Recruits, entices, harbors, transports, provides, or obtains by any other means, another person for the purpose of providing a commercial sex act.

(b) For purposes of subdivision (a)(2), such means may include, but are not limited to:

(1) Causing or threatening to cause physical harm to the person;

(2) Physically restraining or threatening to physically restrain the person;

(3) Abusing or threatening to abuse the law or legal process;

(4) Knowingly destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of the person;

(5) Using blackmail or using or threatening to cause financial harm for the purpose of exercising financial control over the person; or

(6) Facilitating or controlling a person's access to a controlled substance.

(c) A violation of subsection (a) is a Class B felony, except where the victim of the offense is a child under thirteen (13) years of age, or where the offense occurs on the grounds or facilities or within one thousand feet (1,000') of a public or private school, secondary school, preschool, child care agency, public library, recreational center, or public park, a violation of subsection (a) is a Class A felony.

SECTION 3. Tennessee Code Annotated, Section 40-39-202, is amended in subdivision (20)(A) by adding the following as a new, appropriately designated subdivision:

(xviii) Trafficking a person for a commercial sex act, under § 39-13-309; or

SECTION 4. This act shall take effect July 1, 2012, the public welfare requiring it.